

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2001-209-C - ORDER NO. 2001-745

AUGUST 15, 2001

IN RE: Application of BellSouth Telecommunications, Inc. to Provide In-Region InterLATA Services Pursuant to Section 271 of the Telecommunications Act of 1996.	) ORDER GRANTING ) PETITION TO ) INTERVENE ) OUT OF TIME ) )
---	---

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Petition to Intervene Out of Time (Petition) in the above-captioned proceeding from KMC Telecom III, Inc. (KMC or the Company). KMC's Petition was filed pursuant to S.C. Code Ann. Regs. 103-836(A)(3) and other applicable rules and regulations of the Commission. KMC is a Delaware corporation whose principal offices are located in Bedminster, New Jersey. The Company has been granted authority to provide competitive local exchange and long distance telecommunications services in South Carolina.

According to the Petition, in this proceeding the Commission will review BellSouth Telecommunications, Inc.'s (BellSouth) application to determine whether it meets the checklist requirements of Section 271 of the Telecommunications Act of 1996; make a determination as to whether BellSouth's entry into the interLATA long distance market is in the public interest; consider approving BellSouth's modified SGAT; and determine whether to cap rates on the local interconnection established or UNE placed in service prior to the rate true-up at the interim rates. The Company states that it only

recently became aware of this proceeding and has acted expeditiously upon learning of it. Moreover, KMC alleges that its intervention out of time will not prejudice any party as KMC is aware of the filing deadline for testimony and will meet that deadline. Additionally, it is the Company's position that KMC's intervention will serve the public interest as it is an active competitor to BellSouth in South Carolina and will therefore have valuable information to bring to the Commission relating to issues in this case.

To further support its Petition, KMC alleges that it has an interest in this Docket as KMC purchases UNEs from BellSouth, and provides local exchange and interexchange services in South Carolina. KMC also asserts that it has a substantial interest in this docket as KMC will be affected by any Commission decision concerning BellSouth's Section 271 application. The Company alleges that its intervention is necessary to protect its interests. Moreover, KMC states that its intervention will aid the Commission by assisting in the development of a full and fair record to address the issues raised in this proceeding. Finally, KMC states that it is informed and believes that granting its request to be made a party of record in the above-captioned proceeding is in the public interest; is consistent with the policies of the Commission which encourages maximum public participation in issues before it; and should be allowed so that a full and complete record addressing the views and concerns of KMC can be developed.

We find KMC has provided sufficient reasoning for the Company to become a formal party of record. Additionally, we find KMC's Petition to Intervene Out of Time reasonable and it is hereby granted.

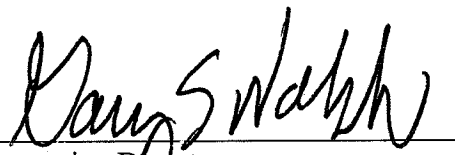
IT IS THEREFORE ORDERED THAT:

1. KMC's Petition to Intervene Out of Time shall be granted.
2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)